

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-36 are currently pending. Claims 1, 13, and 25 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 13-19 and 25-31 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,414,494 to Aikens et al. (hereinafter “the ‘494 patent”); Claims 20-24 and 32-36 were rejected under 35 U.S.C. §103(a) as being unpatentable over the ‘494 patent in view of U.S. Patent No. 5,706,434 to Kremen et al. (hereinafter “the ‘434 patent”); Claims 1-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over the ‘494 patent in view of U.S. Patent No. 6,237,143 to Fontana et al. (hereinafter “the ‘143 patent”); and Claims 8-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over the ‘494 and ‘143 patents, further in view of the ‘434 patent.

Amended Claim 13 is directed to a computer-implemented method for collecting information from a target software application residing in a device unit, the method comprising the steps of: (1) obtaining, from the target software application through a software interface, by a monitoring software device residing in the device unit and having a plurality of monitoring components, event data of the target software application and a plurality of instructions regarding monitoring of the target software application, wherein the plurality of monitoring components includes an event logger; and (2) processing, by the monitoring software device, the instructions sent from the target software application, wherein the instructions include instructions for sending previously stored event data of the target software application to a remote site and instructions for storing the event data of the target

software application in a local disk, wherein the processing step includes the steps of accessing a shared system resource and executing a plurality of instructions included in the system resource. Further, Claim 13 recites that the device unit is one of an image printing device and an appliance. The changes to Claim 13 are supported by the originally filed specification and do not add new matter.¹

Regarding the rejection of Claim 13 as anticipated by the '494 patent, the '494 patent is directed to a method of automatic notification to a selected remote device in response to machine conditions detected by a machine monitoring element. As shown in Figures 2 and 3, a copier machine includes application system software 150 under control of processor 196, dynamic memory 155, an event log 158, and a physical data file 185. The '494 patent discloses that event data are input as they occur by the application system software 150 into the dynamic memory 155. Further, the '194 patent discloses that data stored in the event logger file 158 and/or the crash logger file 171 are stored in the physical data file 185 for evaluation, and can then be accessed by a service representative or stored for transmission to a remote location.² Further, as shown in Figures 6 and 7, the '494 patent discloses that a user can preset certain conditions, that if met, would cause the processor to send event information to a remote device. However, Applicants note that these conditions are preset conditions that a user is able to set prior to operation of the imaging device.

However, Applicants respectfully submit that the '494 patent fails to disclose the step of obtaining, from the target software application through a software interface, by a monitoring a software device residing in the device unit, event data of the target software application and a plurality of instructions regarding monitoring of the target software application, as recited in amended Claim 13. The '494 does not disclose that event data of a target software application and a plurality of instructions regarding monitoring of the target

¹ See, e.g., Figure 12A and the discussion related thereto in the specification.

² See '494 patent, col. 5, lines 51-65.

software application are obtained from the target software application through a software interface, as recited in Claim 13. Rather, the '494 patent merely discloses that event data is automatically stored in RAM 155 and/or event log 158 from applications 150, and that based on user specified thresholds, event data may be sent at a later time to a remote device as certain conditions are met. However, Claim 13 requires that two things be obtained from the target software application: (1) event data of the target software application, and (2) a plurality of instructions regarding monitoring of the target software application, wherein the instructions include instructions for sending previously stored event data of the target software application to a remote site, and instructions for storing the event data of the target software application in a local disk, as recited in Claim 13. While the '494 patent may disclose that the event data is obtained from an application, it does not disclose that, in addition to the event data, a plurality of instructions regarding monitoring of the target software application are received from the target software application. Moreover, the '494 patent does not disclose that instructions for sending previously stored event data of the target application to a remote site are received from the target software application. Rather, the '494 patent discloses that once the event data is stored in the RAM 155, the application from which the event data came from does not then later send an instruction for sending previously stored event data to a remote site, as required by Claim 13. The sending of data to a remote site in the '494 system is based on certain conditions set by the user, not by instructions from the target software application itself, as required by Claim 13.

Accordingly, for the reasons stated above, Applicants respectfully submit that the rejection of Claim 13 (and all similarly rejected dependent claims) as anticipated by the '494 patent is rendered moot by the present amendment to Claim 13.

Independent Claim 25 recites limitations analogous to the limitations recited in Claim 13. Moreover, Claim 25 has been amended in a manner analogous to the amendment to

Claim 13. Accordingly, for reasons analogous to the reasons stated above for the patentability of Claim 13, Applicants respectfully submit that the rejection of Claim 25 (and all similarly rejected dependent claims) as anticipated by the '494 patent is rendered moot by the present amendment to Claim 25.

Amended Claim 1 is directed to a system for collecting information regarding execution of a target software application residing in a device unit, the system comprising: (1) a monitoring software device having a plurality of monitoring components including an event logger, the monitoring device residing in the device unit; (2) a target application software interface configured to receive event data of the target software application and a plurality of instructions regarding monitoring of the target software application from the target software application for processing by the monitoring device, the target application interface residing in the device unit; and (3) a system resource residing in the device unit and having at least one system resource component shared among the plurality of monitoring components using at least one abstract class. Further, Claim 1 recites that the device unit is one of an image printing device and an appliance and that the monitoring software device is configured to process the instructions sent from the target software application, wherein the instructions include instructions for sending previously stored event data of the target software application to a remote site, and instructions for storing the event data of the target software application in a local disk. The changes to Claim 1 are supported by the originally filed specification and do not add new matter.

Applicants respectfully submit that the rejection of Claim 1 (and all similarly rejected dependent claims) is rendered moot by the present amendment to Claim 1.

As discussed above, the '494 patent is directed to a method of automatic notification to a selected remote device in response to machine conditions detected by a machine monitoring element. However, as discussed above, Applicants respectfully submit that the

'494 patent fails to disclose a target application software interface configured to receive event data of the target software application and a plurality of instructions regarding monitoring of the target software application, wherein the instructions include instructions for sending previously stored event data of the target software application to a remote site, and instructions for storing the event data of the target software application in a local disk.

Rather, the '494 patent merely discloses that event data is received by a RAM 155 from an application, and that later, the processor 196 determines, based on user-set conditions, whether the event data should be sent to a remote device. However, the '494 patent does not disclose that the target software application sends both event data and instructions for sending previously stored event data to a target application software interface, as recited in Claim 1.

The '143 patent is directed to a method for monitoring and capturing a pattern of all file usage of a software tool. As shown in Figure 3, a tool wrapper 30 requests that a file filter 18 monitor the input/output operations of the software tool 17.³ However, Applicants respectfully submit that the '143 patent fails to disclose a target application interface configured to receive event data of the target software application and a plurality of instructions regarding monitoring of the target software application from the target software application for processing by the monitoring device, as recited in Claim 1. In this regard, Applicants note that the tool 17 does not request monitoring of the tool 17, but that the tool wrapper 30 requests monitoring of the tool 17. Further, Applicants respectfully submit that the '143 patent fails to disclose a monitoring software device that is configured to process instructions sent from the target software application, wherein the instructions include instructions for sending previously stored event data of the target software application to a remote site, as recited in Claim 1.

³ '143 patent, column 6, lines 23-29.

Thus, no matter how the teachings of the '494 and '143 patents are combined, the combination does not teach or suggest the target application software interface or the monitoring software device recited in amended Claim 1. Accordingly, Applicants respectfully submit that amended Claim 1 (and all similarly rejected dependent claims) patentably defines over any proper combination of the '494 and '143 patents.

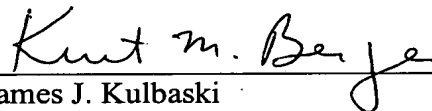
Regarding the rejection of dependent Claims 8-12, 20-24, and 32-36 under 35 U.S.C. § 103(a), Applicants respectfully submit that the '434 patent fails to remedy the deficiencies of the '494 and '143 patents, as discussed above. Accordingly, Applicants respectfully traverse the rejections of dependent Claims 8-12, 20-24, and 32-36.

Thus, it is respectfully submitted that independent Claims 1, 13, and 25 (and all associated dependent claims) patentably define over any proper combination of the '143, '494, and '434 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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